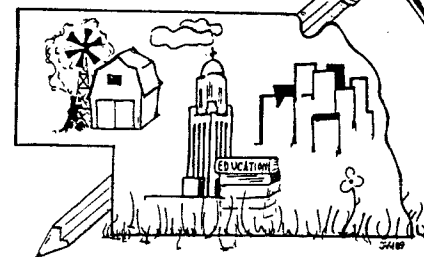


# The Nebraska Observer

Vol 4, No. 7 · August 2, 1989



formerly WHAMO

## Omaha Pilot: Strike Ends When Lorenzo Goes

by Frances Mendenhall

Gordon Mankin was until the last three years a conservative Republican who never had reason to question corporate management. Raised on a Nebraska farm, Mankin was "apolitical," not very involved and union organizing, and unaware that the Omaha's *World-Herald* was anti-labor. Like most of Eastern's other 3,500 pilots, Mankin has had a political change of heart.

Mankin is among the majority of Eastern's pilots striking in sympathy with the machinists union since early March. Also joining in are the flight attendants. At stake is not only the future of Eastern, to which Mankin professes loyalty for the 22 years he has been a pilot, but the future of organized labor in the airline industry. Already Braniff and Continental have taken effective measures to lower labor costs (Braniff with the agreement of labor, in an effort to resurrect a failing company). It is feared that if the strike against the policies of Eastern's Frank Lorenzo, famous for stripping the company of \$1 billion in undervalued assets and cash, and for seeking the protection of bankruptcy in the face of union actions, fails, all other airlines will be forced to lower flight crew wages. Recognizing the stakes, union pilots working for airlines not involved in the strike voted to be assessed a percentage of their salaries to go to strike benefits for the Eastern pilots.

Mankin said he and his fellow pilots are not doing this for increased wages. "We are only seeking security," he said, referring to Lorenzo's bottom-line approach which Mankin believes is "dismantling the airline." In fact, the strike has cost him \$34,000 in lost wages in the last five months, not counting benefits.

The pilots also question whether true market forces justify cutting their wages, since Delta has made record profits recently in spite of spending 39 percent of its costs on labor, while Continental, spending only 21 percent of its costs on labor due to recently enforced wage concessions, is losing money. What is really happening, they say, is that labor is taking the blame for poor decisions by management.

Decisions by the FAA and the bankruptcy courts, as well as President Bush's refusal to intervene--the first time a U.S. president has so refused--have all enabled Lorenzo to proceed, and thus have embittered the strikers.

It was Lorenzo who, in 1983, responded

to a strike against Continental by filing for bankruptcy. Through the protection of the bankruptcy court, Lorenzo was able to get huge wage concessions from the pilots, bringing their top salaries down from around \$120,000 to about \$48,000. A similar thing transpired with Eastern in recent months.

Lorenzo has been trying to cut corners that pilots consider important, and then blame them for resulting squabbles. A year and a half ago Eastern stretched inventory thin, while cutting down the pilots' author-

not have expected the pilots to refuse to fly, but 93 percent of them supported the machinists strike.

The strikers are willing to return to work, and they are actually asking for less pay, less benefits, and more hours. But they will not work for Frank Lorenzo, whom they see as financially trashing the company they depend upon. If another buyer can be found for Eastern, 28,000 employees can go back to work. The first buyer in sight, Peter Ubberroth, dropped out when the bank-

Mankin, like his colleagues, could have crossed the picket lines last March or any time since as a handful of pilots have done. He said no. He is part of a workers' coalition that had made more than \$1 billion in wage and benefit concessions over the years to an Eastern Airlines he believed in and wanted to keep flying long before Lorenzo swooped in. For Mankin, 48, who is too young to retire and too old to start over with another airline, the future is uncertain.

Lorenzo has been getting the headlines for his pirating style, corporate MBAs have been getting away with blaming their mistakes on labor, but the story of the determination and commitment of the strikers to stand firm has been lost on the back pages. Mankin feels he's been walked on by the people from Harvard, Wharton, and Yale.



ity to replace inoperative parts. When the pilots generated some negative publicity, the FAA investigated. But the resulting report had it that it was more a labor management squabble than a problem with inadequate inventory. When the same thing happened in late 1988, the FAA's Burnley said an inventory was not necessary.

Then the countdown began. The National Mediation Board had been meeting. They went to President Bush in February and sought his intervention, which could have forced a contract, but he refused, saying "I want to let it take its course." Soon after, the pronouncements Bush made in support of Solidarity in Poland were not lost on the machinists, who thought it ironic that the same Bush seemed out to destroy a U.S. union.

The machinists had requested arbitration, but the company refused. Eastern must

ruptcy court failed to appoint a trustee who would oversee the transition from Lorenzo to the new owner. Now, Joe Ritchie of Chicago and Frank Carlucci, the former Secretary of Defense, are possible buyers, but Lorenzo won't sell. The bankruptcy court is doing nothing.

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Wildlife Federation, Sierra Club and Audubon Society Seek Relicensing Delay

# Power Districts Ignoring Platte River Ecology

by Monte McKillip

McKillip, of Lincoln, is executive coordinator of the Nebraska State Recycling Association. He is also Conservation Vice President for the Nebraska Wildlife Federation.

Over the last 50 years the environmental community in Nebraska has appreciated, almost without exception, the efforts of the Nebraska Public Power District (NPPD) and the Central Nebraska Public Power and Irrigation District (CNPPID).

Inexpensive and waste-free electrical power is a tremendous achievement. However, maintaining high standards for creating one product does not remove the need for sound policy decisions in other areas.

In addition to low-cost, waste-free energy, it is the job of NPPD and CNPPID to manage the Platte River to also maintain

Dam and the power-producing facilities on the Platte and the North Platte, held a 50-year operations license until it expired in 1987. Since license expiration they have been granted one-year extensions of the original license by the Federal Energy Regulatory Commission.

Several environmental groups interested in the remaining flows of the Platte--Nebraska Wildlife Federation, Sierra Club and the National Audubon Society--have sought to intervene in the relicensing process.

The groups' concerns revolve around the fact that the needs of fish and wildlife are not being considered in management practices. Over the past two years the groups have--and intend to continue--to request modifications in NPPD and CNPPID operating procedures such as timing releases in order to also benefit wildlife. These release-timing modifications have been slight and do not require significant power production loss or irrigation service reduction.

In other words, the best management practices that include both continued irrigation and power production as well as sound management practices of wildlife habitat downstream are possible and very feasible. This fact was supported in a 1985 Colorado Water Resources Research Institute study.

Nevertheless, NPPD and CNPPID ac-

tions indicate that no management modifications suggested by "outsiders" will be considered.

In addition to being unresponsive to the pleas of environmentalists, NPPD and CNPPID have spent an incredible amount of money on legal fees to contest the need for

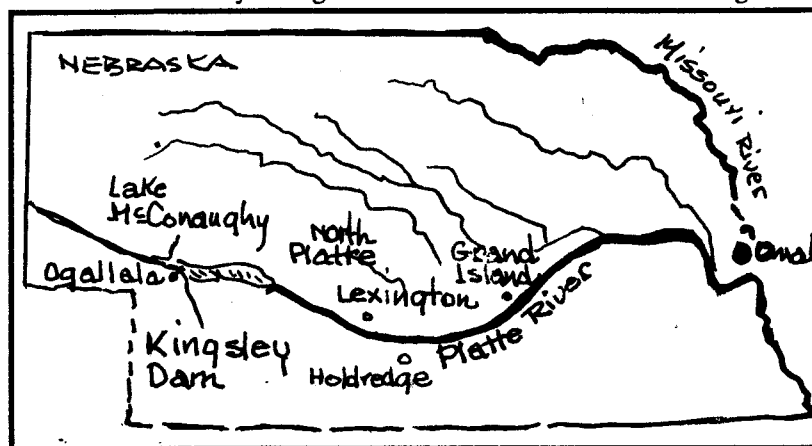
the power districts' own admission does not include fees for "lawyer work product," money spent for items such as biological studies. When the law firm (rather than the utility) hires consultants to do studies, these studies are not available to citizens. The imagination soars when considering what the real cost would total if all fees were disclosed. Keep in mind that this is ratepayer money--money that should be spent in the best interests of all Nebraskans.

The controversy can be resolved if the legitimate interest of environmentalists is recognized and both sides work cooperatively toward a management plan that balances water between the two public interests. To do otherwise is destructive to both.

The crime remains that outrageous outlays of money are being spent to exclude suggestions and recommendations--money that would be better spent on studies suggesting an optimum solution for all parties concerned.

The tragedy is that through, in their words, "the best way they know how," NPPD and CNPPID have allowed flows, at times, to dwindle to nothing. The result is a loss of 100 percent of the transit plover population in 1989.

One can hardly see how this is realizing the best potential of the Platte.



A 66% decrease in the Platte's instream flow over the last century is a detriment to wildlife.

improvement. To date the power districts have spent \$4.1 million on legal fees paid to the Washington, D.C. law firm Crowl and Mooring.

Indicating their unwillingness to cooperate, NPPD's Ron Bogus said in June, "It takes money to fight these interventions." Nebraska Wildlife Federation President Steve Rothenberger of Fremont responded, "We asked for only very minor changes in the operation of the dam and they (NPPD and CNPPID) have countered with a major expenditure."

The financial information, obtained through Freedom of Information laws, by

*"To date, the power districts have spent \$4.1 million on legal fees [fighting environmental interventions]"*

suitable habitat downstream for wildlife, especially endangered species. Unfortunately, this job is not being done effectively.

Annual discharge from the Platte has reduced about 66 percent over the last 100 years because of development, irrigation and diversion projects. Today about 65 to 70 percent of the Platte River's remaining flow is consumptively used by irrigators. Hence, the critical need for sound management and wise use of the Platte's remaining water.

NPPD and CNPPID, charged with the responsibility for operating the Kingsley

## Observer Deadlines

*The next issue of the Nebraska Observer will come out August 30. We must receive your story ideas by August 15. Copy is due August 22. Story ideas for the September 27 issue are due September 12. Copy is due September 19.*

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# Citizens Alone Keep Child Abuse Inquiry Alive

by Frances Mendenhall

To paraphrase the Watergate investigator, what did you know and how did you find it out? That is the question we ask of the *World-Herald* about its July 23 editorial.

Some background: In its July 23 editorial the *World-Herald* gave a big pat on the back to State Sen. Loran Schmit for his July 11 change in the course of the Legislature's investigation of the child abuse allegations related to the collapse of the Franklin Credit Union. Schmit had taken some criticism, and the committee had lost two members, Sens. Ernie Chambers (who had co-chaired the committee) and James McFarland, plus its legal counsel Kirk Naylor and its chief investigator Jerry Lowe, over his decision to refocus the committee's investigation to "follow the money."

The paper, parroting the line we have grown to expect from the State Patrol, the FBI, the Omaha Police Department, the Attorney General's Office, etc., questioned the credibility of the alleged abuse victims. What we and a group of concerned citizens who are being organized by Bonnie Cosentino, want to know is where did the paper come up with this information: that "one child, who has been under psychiatric care, is said to believe that she saw George Bush at one of King's parties. This is the same person whose story of a severed head was looked into. Neither tale could be verified."

Schmit denies that his committee is the editorial writer's source. State Sen. Ernie Chambers, in an interview with KKAR radio in Omaha said "...what the *World-Herald* has done is lumped together statements and attribute them to one person and that is entirely erroneous." Chambers told the *Observer* that "no child under psychiatric care has said she saw Bush at a party."

Cosentino, who is organizing a picket at *World-Herald* headquarters (see notice elsewhere on this page), objects to its use of confidential material, as well as to the likelihood that the victims in this case, having once more been publicly discredited, may refuse further testimony.

Contacted by the *Observer*, editorial pages editor Frank Partsch would not comment on the source of the editorial writer's information, nor on whether printing such material might chill the prospects of future testimony.

Asked by this reporter whether the information mentioned in this editorial had been investigated, FBI Special Agent in Charge, Omaha Division, Nicholas O'Hara said he did not intend to reopen the case. "There was no evidence of federal crimes; we can't turn over every rock just because we'd like to."

Cosentino, organizer of the picket against the *World-Herald*, is a member of a citizens' group called Concerned Parents. Its first

meeting, held July 24, attracted 60 people who are urging continued investigation of the child abuse allegations. The group includes parents, clergy, social workers, child advocates, and members of the North Omaha community. Organizer Mary Lyons-Barrett, quoted by the Lincoln Journal, said that "20 to 30 children that we know of" have been abused in connection with activities involving people related to the Franklin case. She said she bases that estimate, which might be "very conservative," on her talks with social workers who interviewed girls who said they were abuse victims. Some of the victims may be children of illegal aliens, she said.

Concerned Parents is considering several options, including hiring a private investigator, establishing a reward fund, and convening a county grand jury. The group plans its next meeting Saturday, August 19 at Holy Family Church, 17th and Izard, Omaha.

Chambers, who continues to raise questions about connections between Franklin and *World-Herald* publisher Harold Andersen, asked in a recent conversation with this reporter why the paper should mention George Bush in its editorial but fail to mention prominent local individuals. Chambers has recently brought up a 1984 memo by a Franklin employee Edward Hobbs which was given to then State Sen. Peter Hoagland.

Chambers believes that Hoagland had discussed the matter at the time with publisher Andersen, and continues to demand comment from those involved. The memo included allegations of "financial irregularities" as well as sexual improprieties.

Chambers also takes issue with another theme of the July 23 editorial, that the Legislative committee's charge was, as Schmit said, "to determine why Omaha's Franklin Community Federal Credit Union...had collapsed and to find out whether state officials were culpable." Rather, said Chambers, "its purpose was to look at child abuse and how the agencies respond." To that we might add that since no other investigative agency was taking the matter of child abuse seriously, its role here became all the more important.

The Legislature's committee, now down to five members, has a new legal counsel, John Stevens Berry, a Lincoln attorney. Chambers has pointed out that Berry has old ties with former State Sen. John DeCamp. DeCamp has been a counsel in Berry's law firm, and Berry was DeCamp's attorney in January 1984 when Lancaster County Juvenile Court filed an abuse and neglect petition against DeCamp and his wife.\*

Meanwhile, back at the *World-Herald*, Jim Flanery, one of three reporters who have been recently covering the unfolding

Franklin story, will not be covering it for the next nine months. Flanery will be taking a sabbatical to teach at the University of Kansas.

So who remains to keep the issue of child sexual abuse related to the collapse of Franklin alive? State Sen. Ernie Chambers continues to raise issues. Several media people, especially KKAR radio's Steve Brown, keep hammering away. And then there are the concerned citizens such as Bonnie Cosentino's group and the Concerned Parents. See you at the picket August 5 and the meeting August 19.

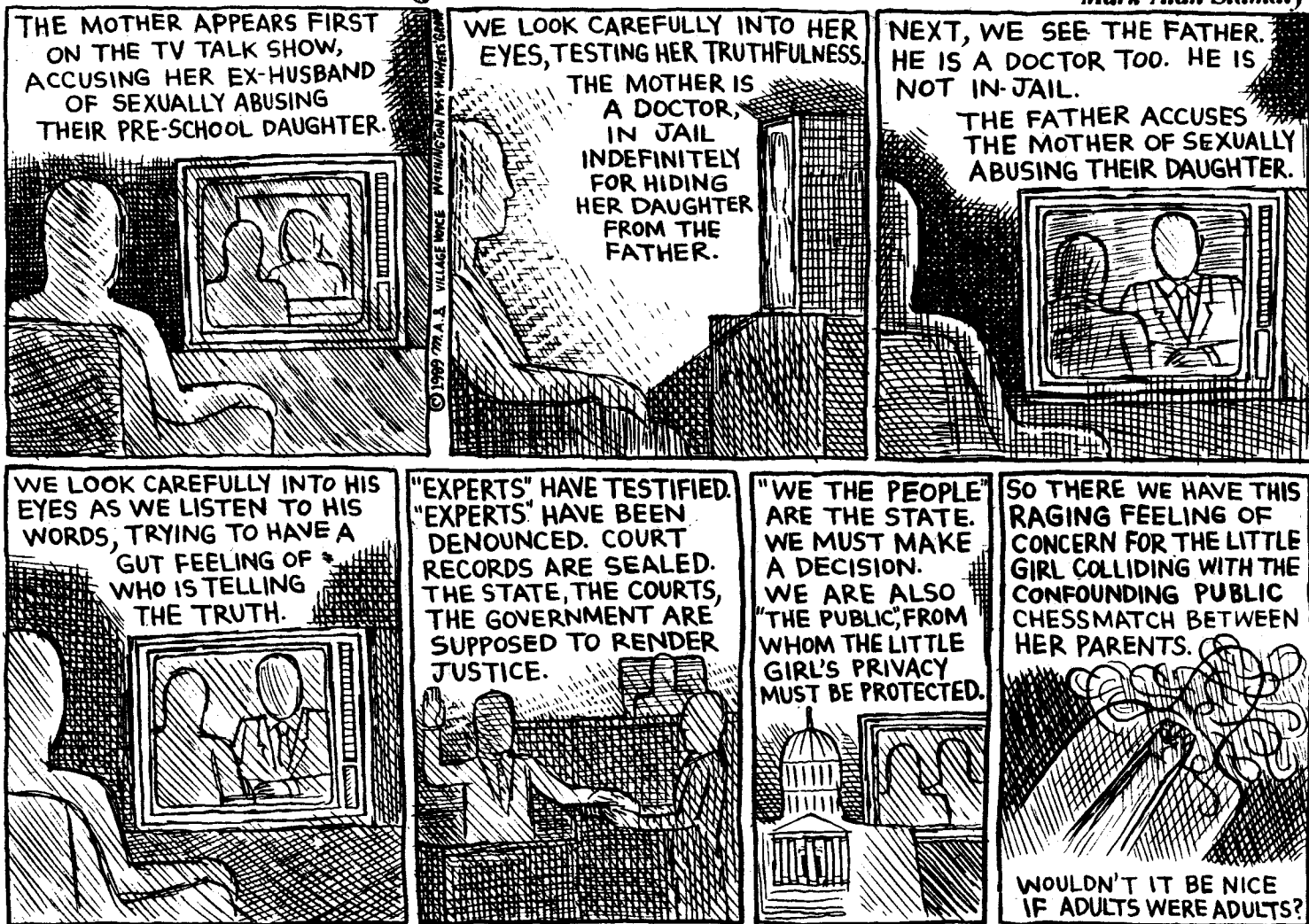
*\*No criminal charges were filed in this case. The judge later ruled that there was no evidence of any acts of abuse, but he did take jurisdiction of the 7-year-old child involved based on the admission of the parents that a state statute on parental neglect applied to the child. The DeCamps were later ordered to undergo a "personal educational program" by the Department of Social Services or an expert of the family's choice.*

### Citizens To Oppose Child Abuse Cover-Up

Bonnie Cosentino (558-4201) will coordinate a picket at 10 a.m., Saturday, August 5th at *World-Herald* Headquarters protesting its conduct in covering child abuse allegations during the Franklin Credit Union scandal.

Concerned Parents will meet at 1 p.m., Saturday, August 19th at Holy Family Church, 17th & Izard, Omaha.

## WASHINGTON





*Whose Side is Nebraska's DEC Really On?*

# Regulatory Agency a Pushover for Polluters

by Lynn Moorer

Let me see if I have this straight:

--A new out-of-state firm, Biowaste Services of Minnesota, wants to construct and operate its first medical waste incinerator near Eppley Airfield along the Missouri River. Current plans allow 17-hours-a-day incineration of infectious wastes hauled from anywhere in the world into a state that has no regulations governing medical waste emissions.

--The national watchdog over projects with vast environmental implications, the Environmental Protection Agency, looked at medical waste incineration and concluded performance standards need to be formed. Other states are withholding action on increased use of medical waste incinerators until more EPA data are collected. Des Moines and Denver have recently rejected facilities because of unknowns about emissions.

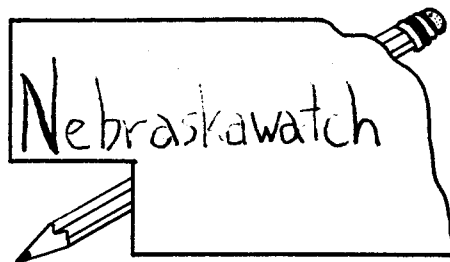
--EPA officials have, however, indicated that medical waste should be incinerated at 2,200 to 2,500 degrees. While company spokesmen characterize the proposed facility as state-of-the-art, the temperatures EPA officials recommend exceed the manufacturer's system specifications. Nebraska's Department of Environmental Control construction permit for Biowaste calls for only a maximum 1,800-degree burn.

--Officials of the fledgling promoter plan to insure the operation for a paltry \$500,000. However, three major insurers of environmental risks and hospital properties say they will not consider issuing coverage to the firm because of its lack of experience, capitalization and company history.

--DEC officials, who have indicated they intend to issue Biowaste a permit, have been criticized by a meteorologist familiar with weather conditions around the proposed incinerator site for seriously underestimating pollution concentrations possible considering the strong inversions common to the Missouri River valley. National Weather Service meteorologist John Pollack said DEC used a simple, easy-to-use dispersion model which assumed the smokestack to be in the

middle of a flat plain with frequent brisk winds and avoided using a more sophisticated and costly model using local topography and observed weather conditions.

Citizen incredulity and frustration generated by Biowaste's preposterous pro-



posal and DEC's somnambulant acquiescence to the plan spilled over at the July 13 hearing on permit issuance. Originally billed as a free-for-all session allowing citizens to question Biowaste and DEC officials and receive answers, DEC officer Timothy Doyle announced at the onset that it was now a fact-finding hearing and that questions would not be answered.

Scrapping their slide show, Biowaste executives perfunctorily promised that if a 2,000-degree burn was citizens' "single concern," Biowaste could meet it. They also said the smokestack scrubber (designed to reduce dangerous hydrochloric acid emissions) proposed for the facility would allow emissions lower than the most stringent regulations in the country. Then Biowaste officials sat down and refused further public comment.

After the hearing, Biowaste President Terry Stewart said they were willing to answer questions in an "objective forum" but did not consider the heated atmosphere of the hearing an appropriate setting for a give-and-take discussion.

They later failed to show up for a TV interview show taping that included a spokesperson from an environmentalist citizen group recommending a moratorium on permit issuance until further study is completed. However, Biowaste officials were quoted while in Denver as saying that they "want to sit down with city officials to make sure everybody is comfortable with what we

are doing."

Therein lies the problem. Making sure a handful of officials is "comfortable" with a potential polluter's plans is a very different thing from accountability to citizens who are ultimately bearing the financial and environmental costs.

Whether because of underfunding, overwork, inexperience or incompetence, DEC officials' philosophy is to believe almost every promise made by industry and grant permits as proposed.

A review of DEC's file on Biowaste's application shortly before the July 13 hearing showed that state officials had sought independent

information nor analysis. The files contained only information provided by Biowaste and the incinerator manufacturer. Although several similar incinerators operate around the country, thus offering potential information about other states' experiences with the incinerator planned for Nebraska, DEC chose not to tap that resource.

DEC officials provided with independent, third-party research about emissions studies by citizens said they were not sure they would have time to read the reports.

The disquieting reality of Nebraska's environmental regulatory climate evidences

a cozy, unquestioning relationship between regulator and regulated. Even where sufficient latitude and leverage exist in state regulations to exert stringent controls while industry foots the bill, DEC's incompetent watchdogs feign ferocity and ignorantly preside over the gradual destruction of Nebraska's environment.

It is no surprise when that attitude elicits incredulity, anger and outrage among citizens. Developers' plans which can only withstand scrutiny in cozy private meetings obviously lack muster for long-term value to society. Unfortunately, Nebraska's regulators continue to approve such inadequate, sometimes dangerous, proposals. Even worse, they indicate they are inclined to do so because they have no alternative.

Since DEC does, in fact, possess sufficient authority to reject any Biowaste proposal it deems inadequate, that excuse just won't wash.

Some in attendance at the hearing were loud in objecting to Biowaste's plans. Some were alarmed and said so. Some were rude if viewed in the context of civilized behavior.

However, Biowaste's proposal is about as civilized as the Holocaust. The ultimate rudeness occurs when the citizens' watchdog presides willingly over environmental destruction and threat to health and life.

## Nebr. Still Needs AIDS Education

Nebraskans still have misconceptions about AIDS according to a survey conducted by the state Health Department.

Fourteen percent of those contacted in the survey believed that the AIDS virus could be transmitted by an insect bite. Thirty-seven percent said kissing with saliva exchange could transmit the virus. Fifteen percent said donating blood involved risk of getting the virus.

The report also showed that only 57 percent of Nebraskans know that a person can carry

and pass on the AIDS virus without actually having the disease. Although the majority accurately understood that a person who does not have symptoms can carry and pass on the virus, one in five did not think it was possible, and another one-fifth were not sure.

"These figures indicate that the Health Department has some work ahead of it to educate people about how the AIDS virus is passed," said Health Department Director, Dr. Gregg Wright.

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# Waste Burners Can Get Filthy Rich in Nebraska

by Colleen Aagesen

Have we got a deal for you! Promotion of a medical waste incinerator! No capital, no investment, no experience necessary.

If you win the permit--the odds are good if you choose the right location in a state with little or no regulation--your business may suddenly be worth millions to an investor.

Unbelievable? Not according to John Sarich, Bellevue insurance man. "If Biowaste wins its permit to build a medical waste incinerator in Omaha near Eppley Airfield, it will be worth anywhere from several million to \$200 million to an investor," said Sarich. Hugh Kaufman (EPA administrator by day, citizen advocate in his free time) confirms this assessment.

Sarich maintains that Biowaste of Minneapolis has as its goal obtaining a permit which the company will then sell. He cited a similar "paper corporation" or "entity" whose presence in Nebraska has generated citizen concern--Waste-Tech, Inc.

After lobbying for a hazardous waste incinerator permit in Kimball, this "entity" from Golden, Colo., was purchased by Amoco for what Amoco spokesman Ron Berling would only term as "millions." Although the Kimball facility's wastes are hazardous and the proposed Omaha Biowaste facility's wastes are medical, the comparison is apt. Nebraska has no regulations governing medical waste incinerators. Therefore, all incinerators fall under the same general air quality regulations.

Presently six Omaha hospitals and three Lincoln hospitals incinerate. The EPA, after studying hospital combustion, announced a need for emission regulations on medical waste incineration and has begun to gather data to write them. The regulations may call for scrubbers (mechanisms to reduce hydrochloric acid), dual-chamber incinerators, automatic feeders, longer burning retention times, and licensed operators. This translates to new costs which hospitals may not want to bear.

Private incinerator companies able to bear these costs are likely to find a large and growing market. There exists a business opportunity not only in operating a medical waste incinerator, but also in simply winning a permit to operate one.

Opponents of the rush toward medical waste incineration as the solution for growing volumes of medical waste needing disposal are particularly concerned about burning for profit. Denver and Des Moines have rejected increased commercial medical incinerator activity. The Ohio chapter of the American Medical Association recently passed a resolution calling for a moratorium on new medical waste incinerators and urges that state policy discourage allowing Ohio to be a regional center for burning for

profit.

On a small scale, burning for profit already occurs in Nebraska. Environmental Health Systems (EHS), owned by Lincolmites Robert Gallion, his son Tad, and Tony Ross, is a mom-and-pop medical waste incinerator business. Located in northeast Lincoln, EHS occupies a discreet, white, modern building with one small, low stack, barely noticeable next to its industrial park neighbors Goodyear and Deeter Foundry.

In operation for a year, the EHS plant has already doubled in size. The company has purchased a second incinerator--the original serving as backup. According to Tad Gallion, EHS serves 85 customers with growth at 10 percent a month. No boundaries limit the waste EHS can accept. Its current business territory includes Lincoln and Omaha, extending west to Kenesaw and north to Norfolk.

Gallion is unperturbed at the prospect of waste from around the nation being brought to Nebraska for incineration. "It's gonna happen," he said. He is also excited about possible competition with Browning-Ferris Industries (BFI), who is contemplating building a medical waste incinerator in Nebraska. "We're thrilled," Gallion said enthusiastically, "because we can compete. Competition--that's what it's all about. They're like UPS--they go for the packages. But we'll do the little letters (small accounts)."

The facility Biowaste proposes for Omaha--much larger than the EHS facility in Lincoln--will also go for the "big packages." Current permit guidelines allow Biowaste to burn 17 hours a day (compared to 12 for EHS) and, like EHS, without restrictions on the waste's origin. Robert Gallion suspects that since Biowaste operates out of Minneapolis, the Biowaste facility will handle Minnesota wastes and become a multi-state regional center.

He said he hopes EHS's business will be "somewhat lucrative," but does not expect to get "filthy rich" from it. Tad Gallion said business is good. He thinks a feature story on EHS in a trade journal mentioning a lack of regulation and enforcement in Nebraska prompted BFI to look into the Nebraska market. He said BFI's contract with a Lincoln waste generator to haul its medical waste to a BFI incinerator in Fargo, N.D., is "a foot in the door." Gallion said BFI has contacted EHS "just to gather information." Neither Gallion sees EHS as a prime target for a BFI takeover and each said that for the time being they do not plan to sell.

Biowaste will waste no time in selling, said Mike Gittings, president of Koley Medical Company located across the street from the proposed Omaha facility. "When they get that permit, they'll sell and be out here," he said. "They don't want to be a viable part of the community." Gittings

objects to Biowaste as a neighbor and regards the emissions as a threat to the integrity of Koley's medical products.

Neighborhood residents are also suspicious about Biowaste's decision to locate in a foreign-trade zone. An area established to encourage international commerce, a foreign-trade zone offers tax advantages and lower freight charges. Tom Foster, neighborhood organizer, foresees medical waste transported by barge via the Missouri River for incineration.

Terry Steward, Biowaste president, maintains its market will be Nebraska and western Iowa. "It's a new business so we don't know what numbers to expect as far as customers. But we're looking at dental offices, medical clinics, veterinary offices and small hospitals," he said.

Opponents of the incinerator hammered on the "burn for profit" theme during a July 13 Department of Environmental Control hearing at Sherman Elementary School, near the proposed Biowaste facility. Indignant citizens among the 1,000 people who attended the hearing waved dollar bills and paper Pinocchio noses over seated Biowaste personnel. Children carried signs reading, "Don't Burn for Profit." Foster, greeted by thunderous applause and rhythmic stomping, challenged Biowaste officials, "Burn for profit if you like. Just do it on some other planet!"

Sarich testified that neither the largest insurer of environmental risks (American International Group), the largest insurer of hospital properties (St. Paul Fire and Marine), nor an insurer carrying several types of pollution coverage (Environmental Insurance Managers) would consider insuring Biowaste because of its lack of experience, capital and company history.

Sarich recommended that Biowaste's use of its dump stack be monitored by computer recording time of use, duration and temperature of gases released. A release mechanism if temperatures in the upper chamber become too hot and threaten equipment, the inclusion of a dump stack is another indicator of human health being sacrificed for profit, according to Dorothy Lanphier of CLEAN (Citizens Lobbying for Environmental Action).

Lanphier said burn temperatures spiking higher than incinerator design specifications cause an upper chamber valve to open, releasing unfiltered emissions and only partially burned materials directly into the air.

Tad Gallion said, "Even with skyrocketing temperatures because of a load of plastics, we choose to put up with the risk. EHS incinerators don't have dump stacks. That would be awful." Even though the incinerator chamber's refractory (heat-resisting ceramic material) is threatened by the ex-

cessive heat hot-burning plastics can generate, "we put up with it," Gallion said. "If the refractory is melted (at 3,000 degrees), it can cost up to half of the cost of the incinerator itself," he said. "We'd rather risk the equipment than use a dump stack." The larger EHS incinerator cost \$137,000, said Gallion.

One advantage of running a small business is having a good idea what materials customers include for incineration, said Gallion. This allows EHS to regulate temperatures somewhat by controlling how materials are loaded into the incinerator.

Gallion admitted, however, that there are no guarantees about what is burned since infectious waste loads arrive and remain sealed throughout the operation. This also means, he said, that nuclear waste included can go undetected since EHS does not check loads for radioactivity.

Objecting to Biowaste's plans to move into his predominately blue-collar neighborhood, Father James Tiegs, pastor of St. Theresa's Church, addressed Biowaste executives at the meeting: "We are people who have dignity, who have rights. Your need to pollute should not invade my private air space." Tiegs is worried that over the next few years his neighborhood will be forced to give way to industrial development by those "who value profit over people."

Omaha City Council Chairman Joe Friend urged the DEC to "follow their consciences" and deny Biowaste the permit. But Sarich said DEC Director Dennis Grams told him "Who are we to judge who can or can't make it (economically)? Our job is to issue permits."

A better comparison of EHS's mom-and-pop operation to a larger facility like one Biowaste proposes remains elusive since fledgling Biowaste has no facility to tour. But, according to Sarich, "Given Nebraska's environmental regulatory climate, the only asset they need is a slide show."

*These are times when George Bush is calling for the expansion of death-penalty laws and for flag-protection amendments. Burn people but not flags. That leaves the question of how to deal with the patriotic murderer who wears a stars-and-stripes suit to the electric chair.*

--Colman McCarthy

# How ConAgra Gobbled Up Jobbers Canyon

by Jim Schwab

*Jim Schwab is assistant editor of Planning magazine and author of "Raising Less Corn and More Hell," published in 1988 by the University of Illinois Press. This article is reprinted from The Progressive, May 1989.*

A few old buildings still stand in Jobbers Canyon, a warehouse district nestled between Omaha's central business area and the Missouri River. At least until a Federal appeals court rules, probably in May, on a lawsuit filed by preservation groups, the remaining old structures are protected by a temporary court injunction. The rest of Jobbers Canyon is already dust, the result of the largest demolition ever of a National Register historic district.

It all happened because ConAgra, a giant food-processing corporation, wanted it that way and because the city went along in its eagerness to attract ConAgra to a riverfront site.

ConAgra is developing 70 acres for a corporate headquarters campus that initially will bring some 500 jobs to Omaha, though most of the jobholders will come from other ConAgra locations. All that will occupy Jobbers Canyon, however, is a magnificent brick-paved diagonal driveway, built at city expense, that leads only to the ConAgra complex.

## A Clear View of Downtown

Because ConAgra wants a clear view of downtown from a series of low-rise buildings, the city agreed to clear the land and relocate the existing businesses in Jobbers Canyon, which themselves employed some 500 people. Reluctant property owners were faced with condemnation.

What happened in Omaha could happen to any other city nervous about its economic prospects and insecure about its ability to make the most of its resources. The pressure ConAgra applied in Omaha--and the city's vulnerability to that pressure--are likely to serve for prototypes for other corporations and for other jittery municipalities.

Omaha has been a city in fear of its own economic future ever since Enron, a Texas energy company, purchased the locally based InterNorth in 1986 and moved its 2,000 employees to Houston. The tight-knit downtown business community scrambled to find ways to reinvigorate the local economy. When ConAgra began to consider sites for a new headquarters, the Omaha Development Foundation (ODF)--in effect, Omaha's power structure--tried to persuade the company to locate downtown. But ConAgra, which already owned rural land north of the city, chose to play hardball: It openly considered moves to other cities unless it was given exactly what it wanted.

That led, said Thomas White, a mem-



DAVID KLEIN

ber of People for Responsible Omaha Urban Development (PROUD) to a plan "conceived in fear, negotiated in secret, and executed in haste." And, he adds, a plan that ultimately will cost taxpayers upwards of \$60 million, though city officials have routinely disputed PROUD's figures--until they turned out to be right.

## Mike Harper in Driver's Seat

Charles M. "Mike" Harper, ConAgra's chairman and chief executive officer, likes to be in the driver's seat. He responded to pleas by the Omaha Development Foundation and the administration of the late Mayor Bernard Simon by spelling out ConAgra's demands. If the city, county and ODF could meet them, fine. If not, ConAgra could go elsewhere.

## Three small Nebraska newspapers attacked the World-Herald's coverage in their own editorials

It was, of course, the classic pose of the footloose corporation prepared to make the best possible deal on its own terms. The problem, Nebraskans soon learned, is that when enough jobs are at stake and public officials are desperate, bidding wars among municipalities and even states can quickly become extremely costly. Lincoln business interests offered ConAgra a free 240-acre site. Early in 1987, Governor Kay Orr and the Nebraska Legislature were debating her four proposed business-incentive bills. Orr, a Republican and former state treasurer, had won the governor's office the previous fall largely on the basis of her economic expertise. Legislative Bill 775, her main proposal, provided such business incentives as a tax credit for 5 percent of the additional

annual payroll a company creates (which one economist estimates will cost the state \$20 to \$40 million a year for the next 15 years). Between the loss of Enron and a depressed farm economy, Nebraska legislators were prepared to act on Orr's initiatives.

ConAgra had begun to study headquarters sites the year before. In mid-April, Harper announced that the firm was looking for an Omaha site because it was confident the Legislature would enact Orr's proposals. But a hitch developed a month later, when the Legislature removed a personal property-tax exemption on purchases of jets and mainframe computers from LB 775. ConAgra said it would leave Nebraska. The Legislature restored the exemption and passed the final version 37-to-11. A day later, Harper said ConAgra would locate in Omaha.

But with ConAgra's suburban property as an option, Harper remained in the driver's seat even after narrowing his options to Omaha. The city's long-standing plan--adopted in 1973--was to link downtown development to the long-neglected riverfront south of the Interstate 480 bridge from Iowa. That plan envisioned the redevelopment of some units for downtown housing, restaurants and small retail shops, along the lines of the highly successful Old Market area immediately to the west.

## Canyon's Architecture Important

Jobbers Canyon, built in the 1890s and early 1900s, was widely regarded as the best example of American commercial architecture's transition from classical styles to modernism. The district contained side-by-side contrasts of beautifully ornate stonework and clean-lined, functionalist buildings. It was a living museum that documented the attitudinal shift that took place in commercial design within a single generation. It was Omaha's most unusual architectural showcase.

To Harper, though, they were "big, ugly, red brick buildings" and an obstacle to his concept for a new headquarters. Nonetheless, city staff began meeting with ConAgra representatives to promote Central Park East, the riverfront location, the city's preferred site. ConAgra's design subsidiary, Opus Corporation of Minneapolis, prepared its own designs. The parties met through the summer of 1987, with Omaha planning director Martin Shukert intent on persuading ConAgra to locate downtown under a plan that would preserve Jobbers Canyon. An Opus study released in June outlined schemes for both the suburban site and Central Park East; the latter would have retained most of Jobbers Canyon.

But Harper rejected that plan, again insisting that the warehouses were "incompatible" with the proposed ConAgra campus. He probably understood that Omaha business leaders would not fight him on that point, since little renovation had, in fact, occurred in Jobbers Canyon since adoption of the riverfront development plan in 1973. Michael Wiese, ODF executive director, refused to criticize ConAgra for its determination to obliterate Jobbers Canyon. "It would appear to me," he said, "that ConAgra will have outgrown their campus before Jobbers Canyon is renovated. That calls for more patience than it's reasonable to expect."

ConAgra's intent was to use a series of low-rise buildings for its subsidiaries, with none dominating the others. The entire warehouse district would have to go, not because ConAgra's buildings would occupy the land, but because the warehouses would create a visual obstruction between the campus and downtown.

Shukert and another planner, Greg Peterson, informed Harper that his demand was "impossible" because of the district's historic significance and the expense of acquiring and demolishing the buildings. The city was again on the verge of losing ConAgra.

**WH Publisher Intervenes**  
Business leaders--including Omaha

World-Herald publisher Harold Andersen--quickly intervened, meeting on June 18 with the mayor, an aide, and Shukert. They told Mayor Simon that neither funding issues nor Jobbers Canyon should deter the city from working with ConAgra on a riverfront site. Simon agreed, and a joint project team from the city and the Omaha Development Foundation worked to meet ConAgra's conditions, which escalated until ConAgra finally set a January 3 deadline for a decision by the city for producing an agreement.

By August, ODF had determined that land acquisition for the project would cost an estimated \$23.7 million. The city would provide \$2.6 million in street and sewer construction and \$6 million for Jobbers Canyon demolition. ODF would handle the actual demolition, raising most of the money from the private sector. ConAgra's investment in the site would total about \$50 million.

Local activists were slow to respond to the threat to Jobbers Canyon--partly because they trusted Shukert. "When I first heard this," said Mark Mercer, a preservationist and president of Old Market's Mercer Management Company, "I thought 'Marty and those guys share most of our general views.... They're going to save a lot of it. They're going to fight this.'" The truth gradually sank in, however, that even Shukert's resignation "would have made no difference. He might have swayed one council vote."

No neighborhood groups reacted at first. The community needed jobs, and the project was in no one's residential back yard. Jobbers Canyon business owners, like others, were caught off guard by the notion that the city would agree to such enormous subsidies.

Shukert said the decision "was never really mine. Once the mayor made the decision, I had to decide whether it was an ethical one. I contemplated the future of downtown without ConAgra, and it was bleak."

### Most City Leaders Uncritical

But if Shukert agonized over the senseless destruction occasioned by Harper's intransigence--and opponents of the project concede that he did--he was probably the only city leader to do so. Most adopted a completely uncritical stance, touting the plan as Omaha's economic salvation. Simon at one point even projected the creation of 10,000 jobs, a figure no one else offered to substantiate.

ConAgra's January ultimatum pushed the community groups into action. Landmarks, Inc., a group dedicated to redevelopment of historic properties, expressed concern. The planning department's own advisory body on preservation matters, the Landmarks Heritage Preservation Commission, voted to oppose the plan. Members of the planning department staff claim that most of the staff opposed the philosophy

behind the plan.

Understandably, the Jobbers Canyon businesses, some of which had been in their locations for almost a century, demanded enough compensation to replace their facilities and relocate their operations. Mayor Simon met with them in November to discuss using tax-incremental financing to assist their relocation--a move that could cost the city future revenue. He later promised to use the city's eminent-domain powers, so that the businesses could avoid Federal capital-gains taxes on the sale of their buildings.

*"Is there anything Conagra could have asked for that you wouldn't have given them?" one woman demanded at a city council meeting.*

### The Development Agreement

On Jan. 5, 1988, Harper held a press conference at the Omaha Chamber of Commerce to announce that ConAgra would stay. ODF had acquired options on all of Jobbers Canyon. The redevelopment agreement projected \$37.8 million in land-acquisition and site-preparation costs, including grading the land to ConAgra's specifications, acquisition of Jobbers Canyon and the relocating of its businesses, and landscaping.

The city would spend \$2.5 million for streets and sewers, and the public power district would spend \$4 million to relocate power lines. Tax-incremental financing to support infrastructure costs would apply to the first two phases of ConAgra's campus. The county would acquire 27 acres for a public park, half of which would be a lake, and would commit \$6.3 million toward its construction, with most of the rest coming from the Peter Kiewit Foundation.

The park was to let Omaha realize its "dream" of bringing development down to the river's edge, but it would be accessible only from the west, along a narrow corridor below the interstate bridge. There would be no direct access from the Old Market because that would violate ConAgra's privacy. ConAgra, for its part, committed itself to a \$50 million development in two phases, with a projected later expansion worth another \$50 million. (The cost of the first phase has actually risen by \$10 million.) The city agreed to indemnify ConAgra for liability for any

hazardous waste that may be discovered on the site. The nearby Union Pacific Railroad would also spend \$55 million to renovate its historic freight house to computerize its dispatching facilities, but that project was planned independently of ConAgra. The plan also promised a future hotel and office development on the site.

### \$40 Million spent chasing \$50 Million

The idea of mustering nearly \$40 million in public and private commitments, aside from the cost of developing the park, to attract a \$50 million investment from ConAgra, finally jolted opponents into action. When activist Mark Himes and others launched PROUD in February, they had to function without much access to the news media while the Omaha World-Herald denounced them as obstructionists.

So biased was Nebraska's leading newspaper that three small Nebraska papers attacked the World-Herald's coverage in their own editorials. One typical World-Herald editorial asserted, "No one has stepped forward with the money to buy Jobbers Canyon and preserve it," failing to mention that the area was already an active commercial district.

Shukert noted that a World-Herald survey showed overwhelming public support for the project, and told me more recently, "Mike Harper has very good public relations." But he probably dared not mention that Harper had virtually a free public-relations machine at his disposal in the World-Herald.

The city council unanimously favored every measure to move the plan forward. Opponents were routinely criticized for their failure to produce an alternative plan. City council hearings became increasingly testy until an April 1988 hearing on an amendment produced an hour-long parade of hostile witnesses, some vowing to work against incumbents in coming elections. One woman demanded to know, "Where are the real men in this room?" Another asked, "Is there anything ConAgra would have asked that you wouldn't have given them?"

The protesters' hostility toward the council grew because they knew the deal was sealed and time was short. By May, the wrecking ball was already swinging in Jobbers Canyon. In a lawsuit filed with two other plaintiffs, PROUD alleged that the city, ODF and other defendants were conducting "anticipatory demolition," destroying Jobbers Canyon before a review under the 1966 Historic Preservation Act could occur.

Review is required prior to condemnation of National Register properties if there is any Federal involvement in the project. The city claimed there was none, leading it free to proceed. PROUD claimed involvement by the National Park Service, the Interstate Commerce Commission and the U.S. Army Corps of Engineers. In May, the board of Landmarks, Inc. reversed a previ-

ous decision and voted to join the suit after a presentation by an attorney representing the National Trust for Historic Preservation, which became an intervenor. In a separate suit, the American Indian Center of Omaha challenged an emergency county appropriation for the project.

Until recently, these suits stopped nothing. The state and Federal district courts in Nebraska ruled against PROUD and the National Trust. But last March, the Eighth Circuit Court of Appeals issued a temporary injunction restraining demolition of five buildings until it could rule on the allegation of Federal involvement, and set an April 12 hearing on the case. PROUD has been unable to save other buildings for which it lacked the money to post bond.

### Public Costs Mount

Meanwhile, however, the public costs of accommodating ConAgra have mounted. Grading costs, originally projected at \$1.25 million, now stand at \$3.55 million; specifications have changed and the city public-works department has found rubble from old buildings below the surface of the site. The county, which will develop the public park, must first clear lead, arsenic, and cadmium wastes left behind by such former industrial users as Gould Battery. County attorney Henry Wendt is negotiating with Gould for a commitment to help pay for cleanup, but concedes he has no written agreement and could not sue because, with the site's multiple users over time, it would be impossible to pin any specific contamination on one firm.

The cost of cleanup, depending on the quality of the job performed, now ranges from \$3 million to \$7 million. Downtown Omaha Neighborhood Association member Eileen Radigan complains of poor air quality from the demolition work and park cleanup and has begun to bird-dog what she considers inadequate air-quality monitoring by the county.

Even the private cost of land acquisition paid for by the Omaha Development Foundation has its public impact, noted Ed Fogarty, PROUD's attorney, who said the foundation is "leaning so hard on big donors in the corporate community that these have become very hard times for the arts in Omaha."

But Clark Strickland, regional director, in Denver, who has worked with PROUD on the issue, may have identified the most significant price Omaha has paid in its desire to keep ConAgra.

### Community Lost Self-Confidence

"Historic areas show cities that there have been cycles and periods of economic strength in the past. You lose that sense of a cycle, that there can be a resurgence," he said. "ConAgra has played the tough guy... and by pushing it around as well as destroying its past, has stripped the community of its self confidence."



# Abortion Debate Need Not Be Shouting Match

## Abortion Decision a 'Sophie's Choice' Dilemma

It has been said that abortion will become another Vietnam, dominating political agendas, serving as a litmus test for candidates and further dividing our society. *The Nebraska Observer* believes this polarization itself to be almost as tragic as the worst fears of each side in the debate. It is clearly time for the shouting match to end and listening to begin.

*The Nebraska Observer* plans to print more material on this subject. We are especially interested in printing points of view that reflect an understanding of the values of both camps. While a perfect compromise on this difficult subject is beyond reach, we believe that the United States could arrive at a policy that satisfies much more of the wishes of both sides, as most European countries have already done. It need not continue to drain us.

by Frances Mendenhall

This article is not about when life begins, or whether a fertilized ovum is as important as a woman, subjects which will get space on these pages another time.

It is about killing. Because at some point in gestation (I do not place this point at fertilization) there is no other word to describe the taking of fetal life. Some of us believe that killing is always wrong. And although our society is light years away from condemning the killing done mostly by men, i.e. war, capital punishment, etc., some among us are not only going to declare abortion immoral in all circumstances, but they will also try to make it a crime.

There is some logic to this point of view. If you have never known a rape victim, or been close to a woman desperate to end a

pregnancy, the "killing must always be illegal" point of view appeals. The problems come when you figure real world tragedy into the equation, as well as simple logic.

Women have always sought abortions even at the risk of their lives. Catholics and pro-life women have abortions, apparently abandoning their deepest moral sensibilities. What can it be like to be this desperate? How is it that so dreadful a choice can be made?

The usual models of moral decision-making fail here; abortion is not like self-defense, because usually the mother's life (in a literal sense) is not at stake, and--except in the case of rape--the fetus bears less responsibility than the mother for the fact that the pregnancy is a burden.

It might be more like the killing that is

justified in the "just war" scenario. If killing of innocents is an unavoidable outcome of a defensive war the good of whose outcome outweighs the evil of the killing, then we accept the necessity of the deaths.

But an unplanned pregnancy usually threatens only a family, not a whole society, so the comparison doesn't quite work.

What about a lifeboat situation where not everyone can be saved?

This analogy too falls short unless abortion is done literally to save the mother's life.

It is very hard to understand the complexity and tragedy of the decision to abort if you have not been close to someone faced with it, and since few women talk about their abortions, it is no surprise we haven't

*Continued on page 9.*

## Is the Abortion Debate Cannibalizing the Rest of the Feminist Agenda?

by Ju li Loesch Wiley

*Judi Loesch Wiley is a member of Feminists for Life of America and vice-president of JustLife, a political action committee opposing abortion, nuclear weapons and militarism, and advocates economic justice for the poor. This article originally appeared in the Boston Globe and was reprinted in Harmony magazine.*

I must mourn that, for nearly two decades now, abortion-rights advocacy has been injecting powerful doses of the "individual autonomy" ideology into the veins of the public debate, overwhelming our feminist collaborative and cooperative ideals with a dinning chant of "I-me-mine! My body, my rights, myself!" This emphasis on physical, social, sexual autonomy has not only weakened many of women's traditional attachments (pair-bonding to a man, mother-bonding to a baby) but has also dissolved much of the old solidarity between women. Remember "Sisterhood is Powerful"? Remember "Women United Can Never Be Defeated"? Dissolved, defeated, by the bitter divisiveness of the abortion campaign.

The most damaging effect of two decades of abortion campaigning has been the general shift in feminist diction from visions of interrelativeness ("Everything is connected") to the cold and--I would say--peculiarly masculine ideology of autonomy.

What the sexually autonomous wish to enjoy (and to guarantee by abortion) is precisely unbondedness; and one of the bonds to be rejected is a bond to offspring who were conceived without deliberate choice.

In the past people assumed that, simply by engaging in heterosexual relations with each other, they acquired parental obligations if and when a child was conceived. But

this is seen as a denial of sexual autonomy. Obligations now arise, we are told, not from the decision to have sex, but from the strictly separate decision to bear the child.

But while the decision to have sex is made by both partners, the decision to bear the child is made by only one of them, namely, the woman.

Thus the woman's responsibility corresponds to her choice. But for the man, parental obligation supposedly arises from the woman's choices: her choice to bear the child, and her choice to name him as the father and even to bring legal action to compel his support, if it comes to that.

The problem here is obvious. The sexually autonomous male justly complains: "How is it that she gets a choice but I don't? I didn't choose to be a father. I just chose to have sex."

Sexual intercourse now implies for each of them--exactly nothing, no responsibility. So why should any man feel he's acquired an obligation if the woman decides to give birth? Because he deposited sperm in her vagina? Don't be medieval.

Am I predicting that the elevation of sexual autonomy to the status of a "right," coupled with the availability of abortion, will cut men loose entirely? That paternal responsibility will sink to absolute zero? That men are not only going to take off, but feel justified about doing so?

Hell, no. I'm not predicting that. I'm reporting it. I've done my share of women's shelter work in the last 15 years. I see it all the time. A couple has a child. The man decides he isn't cut out to be a father.

"But you can't just walk out. This is your child, too!"

"Sure, sure. But it was your choice."

Well, the gentleman is right, given that

the availability of abortion has made procreation a unilateral female decision.

Men have fought in court to evade the obligation of child support, with the argument: "It's her body. It's her choice. It's her baby. So keep your laws--off my bank account."

What are we feminists to say to them:

## Let's Make Abortion Unthinkable

by Shelley Douglass

*Shelley Douglass is a founding member of the Ground Zero Center for Nonviolent Action in Poulsbo, Wash. She lives with her husband, Jim, on the border of the Trident submarine base, where they maintain a vigil. This article was originally published in Harmony magazine.*

I've met people who were projecting a world where abortion is unthinkable because we were so regimented and women were so oppressed into being breeders that there was no freedom; all children would be brought to term, and there were no other ways to decide. That's not what I mean when I think of a world where abortion isn't considered.

What I think of is a world where all human people, all humankind, are valued, just because they're human; where they're welcome, just because they're human. A world of generosity. I think of Catholic Worker homes, where there is always room to pull up another chair to the table, always a little more to go around, a world where there is welcome for people.

It would be a world of responsibility, where we would think about what we're doing and take the consequences of our acts. A world

"Right on, brother"?

Most male commitment to the long-term responsibility of child-rearing is not obtained through court order. It is obtained voluntarily, through a man's sense, bolstered by society, that it's right and fair. Why? Because the choice that obliges both him

*Continued on page 9.*

of peace, where it's assumed that everybody will be sustained at a basic level, not a world where some people will be floating in superfluous wealth and other people starving. A peaceful world, where there are other ways of solving conflicts than killing each other, a world where rape was also unthinkable, and where economics did not force women into sexual activity.

I think, if we were able to create a world where those were the assumptions, it would go a long way toward a world where abortion wouldn't happen; it wouldn't be in the picture, it wouldn't be necessary. Martin Luther King talked about the Beloved Community. That's the kind of world we work for, where everybody is beloved. He talks about a world where black children and white children, gentiles and Jews, Protestants and Catholics--and so on--everybody, all the children, could play together and work together and have enough to eat and be respected.

Question: there's a Biblical quote that goes like this--"If you can't love your brother, whom you have seen, how can you love God, whom you have not seen?" If we can't love our sisters, whom we have seen, how can we love our children, whom we have not seen? It seems to me that we start by learning to love those we can see.

# Politics and the Billion-Dollar Batman Bomber

by Donald Kaul

The B-2 "Stealth" bomber, the world's first comic-book airplane, recently made its long-awaited maiden flight. Comic book because...

--It looks like it's out of Batman.

--It has, like "The Shadow," the power to cloud men's minds, making it invisible (to radar).

--And it derives its inspiration from the classic comic-book general saying: "An entire army couldn't make it through, but one plane, flying at treetop level, just might be able to penetrate enemy defenses and shorten the war by six months."

Not even Buck Rogers had a more fanciful aircraft.

But that's not why it's the most controversial plane of our time. There have been other odd-looking airplanes, some that fly faster, higher, carry greater loads of bombs.

## 'Sophie's Choice' Dilemma

Continued from page 8.

come up with a moral model that gives the rest of us a meaningful perspective. The closest model is a complicated hostage situation. The story that tells it best is the unforgettable scene from "Sophie's Choice."

Sophie and her two children are prisoners in a Nazi concentration camp. A guard gives her an impossible choice: she must send one child--her "choice"--to be killed, or all three of them will die. Sophie chooses the daughter, and watches as the little girl is carried off screaming in the night.

It is hard to imagine a more tragic circumstance. Some would say that she took the only possible course of action under the circumstances.

Moral purists would say that Sophie made the wrong choice; the only moral decision for her would have been to refuse to choose, to refuse to be an agent of her daughter's death no matter what the consequences. After all, she did not know for sure that they would all be killed if she refused to cooperate. Neither did she know for sure that she and her son would be spared if she gave in. Sophie's "choice" really wasn't which child, it was whether to become a participant in a killing.

Most of us, however, would respond to the dilemma of Sophie's Choice not as the moral purists do, but simply with sorrow and compassion. We might vow to do everything possible to end the circumstances that made the death camp possible. We would surely educate people about what really goes on in death camps. But we would see the futility of trying to tell Sophie that in those most dreadful of circumstances, only one choice was acceptable.

Undoubtedly there are women and men who view abortion much more casually than as a tragedy of a "Sophie's Choice" caliber.

The B-2 owes its unique celebrity to its price tag. It costs more than aircraft carriers. It costs more than buildings. It costs more than Cleveland.

Estimates are vague, but right now they figure it is going to cost \$530 million a copy. And that's only if the Air Force buys 130 of them and gets the volume discount. If it only buys a few, they'll cost \$1 billion apiece.

It's hard to get your mind around numbers like that. Let me put it in much more understandable terms. It is so much money that it made Congress gag. There is talk on Capitol Hill about ditching the program, which has already cost \$22 billion.

Congressman Les Aspin, Wisconsin Democrat and chairman of the House Armed Services Committee, said:

"There remains the very real possibility that the B-2 will become a museum piece.... We would be spending more on the B-2 than

any Warsaw Pact country except for Russia and East Germany...Is this conceivable that we're going to do this? No chance!"

And Congressman Joe Barton, (R-Texas), said: "I'd be afraid to fly it. How'd you like to be the pilot who took off with a half-billion dollars under your rear end?"

The Pentagon, of course, has no such reservations.

"This was a historic day in aviation," said Gen. Bernard P. Randolph, commander of the Air Force Systems Command, after the mercifully uneventful maiden flight.

And Defense Secretary Dick Cheney said: "I am pleased with the success of the project to date."

Right.

Some critics say that the B-2 shouldn't have been built in the first place, that it has no mission. It was initially conceived as a replacement for the B-52 strategic bomber. Some people favored the semi-flying sled, the B-1, instead but President Carter opted for the B-2. Ronald Reagan came into office and, with characteristic generosity, decided to build them both.

The B-2 was sold as a plane that could sneak into Soviet airspace undetected and deliver a load of bombs before the Russians knew what was happening. Those pesky critics argue that there's nothing either the B-1 or the B-2 can do that cruise missiles can't do better. To which the Air Force says, "Oh yeah? What about searching out mobile missiles and other illusive targets? You need

a pilot to find them." And so it goes.

Call me naive if you will, but I have faith in the democratic process. I think the B-2 will be built; *because* it costs so much money, rather than despite it. If it were a \$5 million plane it would be no problem to get rid of. At \$500 million, however, it is a very formidable jobs program.

The day after the flight, the Pentagon declassified a list of 156 contractors in 26 states and the District of Columbia and mentioned that the B-2 supports subcontractors and suppliers in 20 other states.

Ten years they'd have held those names secret to keep them out of the hands of the Russians. Now, when the plane is in political trouble, they discover the public's right to know. What a coincidence!

As Nick Kotz wrote in his brilliant book on pork-barrel military spending, "Wild Blue Yonder: Money, Politics, and the B-1 Bomber": "The self-interested politics and economics of many parties--the armed services, Congress, the president, the defense industry, and large chunks of the American public--intrude into almost every aspect of a weapon system's conception, development, manufacture, and deployment. The total effect is to warp the defense process in ways that serve neither the defense needs nor the overall well-being of the nation."

That was true then; my bet is that it's true now.

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## Abortion and the Feminist Agenda

Continued from page 8.

and the woman is the choice they made together, in the act that made the child.

If the act of generation loses this weight, this significance--and the abortion culture

simply blows it away--then you end up with fathering that never makes a father, mating that never makes a mate, short-circuited sex that dreams of nothing more than being plugged into its own sockets.

## Woman Cops W-H Copies; Is Put Behind Bars

by Anthony Carr

We at the *Observer* were shocked to learn about Mrs. Victoria Brown, of Scottsbluff, Nebr., who recently sojourned for seven days in the slammer.

It seems Mrs. Brown was charged with larceny in connection with the thefts of copies of the April 16th *Sunday World-Herald* from a machine outside Henry's Market.

[The *World-Herald* News Service account of this sad episode read "outside of" Henry's Market, but we at the *Observer* would not dare follow "outside" with another preposition or Karen would rap us upside the head with her pica pole.]

The judge's sentence, according to the account, was "rather harsh but reasonable" because "Mrs. Brown had a previous record [sic] of thefts closely related to the paper-pilfering incident.

We have some questions about *that*.

What kinds of thefts might be considered closely related to swiping a *World-Herald*? Stealing the *Manchester Union-Leader*? The *Washington Times*? The *Salt Lake City Bee*?

Was this a politically-motivated crime, or was the woman after some particularly irresistible Shopko coupons?

Did she mean to steal the *World-Herald* at all? Maybe she had poor eyesight and mistook the weekly *World-Herald* edition for the *Weekly World-News*. It could happen!

In any case, we suspect Mrs. Brown may have been excessively penalized. What do you think? What penalty should a person receive for ripping off the *World-Herald*?

Send your suggestions to The Nebraska Observer in care of Frances or Karen but *don't send them to me!*

The best suggestion will be published and its author awarded an appropriate prize.

## GAMBLING

# Lotteries Are Not an Enlightened Public Policy

by James S. Hamilton

James S. Hamilton is the executive director of the Nebraska Council on Alcohol and Drug Education, Inc.

Loooong were the odds for anyone to have won the \$40 million Lotto America Jackpot. Obviously, some one did, else the prize would have climbed to approximately \$50 million -- all in one week's time. The pot could only be embellished by the purchase of more lottery tickets, and with the public responding to lottery fever, it likely would have happened.

When the pot was reported to be \$30 million, it was also said the odds for winning the lottery were 1 in 13 million. Those are tremendous odds for anyone to overcome in order to be a winner. Most people buying tickets were buying into a fantasy. In reality, most were spending their money -- usually money they could ill-afford to spend -- on a chance. Playing the lottery requires no skill; it's a game of chance.

Recently, the state of Pennsylvania held its state-operated lottery. About \$100 million was in the pot. Novice gamblers came out of the woodwork. Chances were bought. Some spent their life savings, believing their ship would arrive. The "ship of welfare" to some will become a reality. But, what were the chances for a person to win such a lottery?

First, the answer must be based upon the number of tickets sold -- and the number of tickets one buys. For the Pennsylvania

Lottery, buying two or more tickets did not increase the buyer's odds; each ticket gave its owner a 1 in 9.6 million chance. Those odds were real. The more tickets sold, the larger the pot, and the greater the odds. Odds of failing to win the jackpot is just as real; reality dictates you are predisposed to lose. There are welfare families -- unpublishized by the media -- who can paper the walls of their apartments with futile lottery tickets. For every large winner that the media publicize, there are millions of losers who

are never mentioned. Their losing is a built-in part of the scheme; they are the ones who help create the big winner!

A comparison of figuring odds to the chances of the occurrence of various phenomena was researched by Joseph Busler, feature writer for the Courier-Post. He determined that one's odds of winning the Pennsylvania Lottery were as likely as one dying from being struck by a falling aircraft (1 chance in 10 million). Or, one is 500 times more likely to die from being hit by a car

while walking (1 chance in 20,000), than does one's ticket have of winning.

Busler quoted Dr. Steve Bajgier, a Drexel University statistician, who listed several improbable events, based upon national averages, not upon individual cases -- and how they compare to the 1 in 9.6 million chance of having become a winner. They are:

- Dying of Polio: 1 in 10 million -- about the same.

*Continued on page 12.*

## Must Omaha Play Games to Fund Its Projects?

by Frances Mendenhall

Sixteen months ago 22-year-old Scott Washburn of Omaha killed himself because his gambling addiction had made his life a living hell. His lawyer, Deputy Public Defender Harry Moore, described him as "a bright, good-looking kid and awfully nice." A friend, Frank McGill, said that he had loved to bet on the dogs at Bluffs Run and on football and basketball games. Recently, McGill said, his life had been reduced to a series of temporary jobs, sparsely furnished apartments and threats from unpaid bookies. The day he took his life he had appeared in court for theft related to his gambling.

Nebraska seems to be rushing headlong into the business of gambling. While we are still among the minority of states (14, last count) that does not have an official state lottery, resistance has all but melted to a scattering of city lotteries. LB 767, passed in

the last session of the legislature, permitted cities and counties to operate ticket games or keno games, within their own borders. Counties can operate games in cities only with the city's agreement. Video gaming devices are outlawed in Nebraska, but pickle parlors and parimutuel betting is allowed on the site of the charitable institutions which run them.

The big argument for having government-sponsored lotteries is that we have no choice since Kansas, South Dakota, and Iowa do it. Last year Kansas netted \$8.5 million from total ticket sales of \$67.7 million; Iowa netted \$40.3 million out of \$124.0 million. Even the World-Herald, once a staunch resister of all gambling outside the boundaries of Ak-Sar-Ben, has joined the chorus of lottery proponents. One reporter for an Omaha station occasionally crosses the river to film cars in the parking lot of the

Iowa Lottery in Council Bluffs--viewers get an image of Nebraska dollars funding Iowa government.

There are several things that smell bad here. First there is a fundamental problem when elected officials have to resort to such game playing (no pun intended) to do what we all agree is their job--decide what our public spending priorities should be and then work toward public consensus about how to spread out the resulting tax burden. But nobody wants to say the "T" word. So instead they resort to a hidden tax on the gullible. Who, by the way, are often the poor.

At the heart of the whole attitude here is a growing disillusionment about government that we suspect is related to the public loss of confidence in other areas: we have seen our taxes raised by an administration

*Continued on page 11.*

## Buying Gas Company Could Save \$200,000 Per Year

## Municipal Lottery Dependence a Poor Bet for Crete's Future

by Skip Laitner

It's a community in search of money--\$900,000 to be exact. For several years now the Crete City Council has been looking for a source of money to replace the municipal swimming pool.

Unfortunately, its last strategy went down in defeat. The city residents rejected a bond issue in September that would have been used to finance the new pool. Local officials have been groping for new ways to get the job done ever since.

Even more unfortunate than the rejection of the bond issue, however, is the fact that the city council may be turning to a keno-style lottery in order to raise the needed funds.

Instead of making money the old-fashioned way--by earning it--everyone wants to jump on the lottery bandwagon because it seems so easy to do.

It is a sad commentary about our country that well-funded public works projects are being increasingly financed by our gambling fever. If you stop to think about it,

there is a strong connection between America's waning economic influence among world leaders and our insistence on taking the easy way out.

Shortly after the rejection of the bond issue, the Crete City Council was handed a report that suggested a way to raise far more money than the lottery would be able to do. That's the good news.



The bad news is that it would take a lot of extra work, and maybe even create a bit of controversy. The end result is that the vice strategy may win out.

What the council received was a preliminary feasibility study funded by Nebraska's

own Municipal Power Pool. The conclusion of the report was that if the city were to take over the natural gas system, the community would save more than \$200,000 per year in lower gas costs.

Of course, the city's present gas company, Minnegasco, disagreed with some of the numbers in the Power Pool's study. But that is where the hard work comes in--having someone do a more rigorous analysis of what the actual costs and benefits might be.

If the numbers are anywhere in the ballpark of the preliminary estimate, then it means that Crete could be paying dividends to itself instead of shipping millions of dollars each year to Minneapolis, home of the main corporate offices for Minnegasco.

The transition to a municipal gas operation doesn't have to be a traumatic event. In 1985 Fremont paid \$300 per gas customer to buy its gas company. Assistant City Administrator Randy Reyzlik said the move has been good for the community. Among other things, the number of customer complaints has dropped significantly since the

city takeover.

Jack Sutton, Fremont's city administrator and the driving force behind the action, cites a number of positive benefits of municipal ownership. First, the city is doing a better job of maintaining the gas system. Previous owners failed to invest the proper level of money into annual upkeep, jeopardizing the entire system.

Second, Sutton said, the city now has more control over utility costs. In fact, the community has saved the kind of money that would build a bunch of swimming pools. He believes Fremont's actions are a good example of how to turn annual utility bills into a community investment opportunity.

So, if the Crete City Council isn't afraid of a little hard work, perhaps they won't have to gamble with their future after all. And what works for Fremont and Crete may also turn out to be a good business investment for other communities as well. All it takes is a little initiative.



# Get Ready for the Observer's Annual Blowout

It's back by popular demand.  
It's bigger and better than ever.

It's a terrific way to help Nebraska's independent press and have a great time doing it.

It's the third annual Counter Press Club Ball.

Save this date, Friday, Oct. 27. Then get ready for an evening of lampooning and fun at the Peony Park Ballroom.

Those who attended our last Counter Press Club

Ball recall a program filled with outrageous humor directed at those who deserved it most. Many came in costumes portraying their favorite newsmakers and competed for the coveted Newsmaker of the Year Award. The event was attended by numerous famous and infamous Nebraskans, including



the governor herself. We first thought someone had come up with a heck of a good Kay

Orr costume, but lo, 't was the guv herself.

Also, if you act soon, you can contribute your best ideas for the program. Got a song about Larry King? Maybe you do a terrific Ernie Chambers imitation. Want to get even with the King of Ak-Sar-Ben?

This will be a benefit (and boy do we need a benefit!). Tickets will be \$25 per person, \$40 per

couple. Unless, of course, you are a Nebraska Observer subscriber, in which case you get in for \$20 per person or \$30 per couple.

So start saving up for this once-a-year blast, and tell your friends, or else! Don't forget, we know where you live!!!

## Keep Your Independent Press Afloat

*Reserve this Date:*

**Friday, September 8**

### Wine and Cheese Ticket Sale Kickoff for the Counter Press Club Ball

**5:30 to 8:30 p.m.**

Antiquarium Galleries, 1215 Harney, Omaha

## Peaceful China Protest Not Yet a Failure Omaha Game-Playing

by Colman McCarthy

Washington—Nonviolent protest didn't work in China.

So holds conventional assessment. Good try, brave students. You and your dreams of freedom thrilled the world for a few weeks. Thanks for the stirring street theater in Tiananmen Square. But the dictators and their guns won, and now bullets are being pumped into the skulls of dissidents rounded up for a second massacre. If evaluated by the measurement of body counts, China's student protesters were defeated smashing.

In the history of crackdowns, it always seems that way at first. After the killing of 69 blacks in the Sharpeville, South Africa, massacre of March 1960, the anti-apartheid movement appeared to be doomed. After the Bloody Sunday massacre in Moscow during the 1905 Russian revolution, little hope remained. Nor was it different in the 1917 revolution when the Tsar's troops fired on nonviolent demonstrators in Znamensky Square, Petrograd. The British machine-gunned 10,000 unarmed demonstrators in Amritsar, India in 1919 and supposedly put an end to Mahatma Gandhi's experiment in nonviolent protest for self-rule. In 1898, Lord Kitchener, one of Britain's master butchers, had his troops slaughter 10,000 dervishes in Omduran, Sudan, when a Moslem revolt needed to be suppressed.

None of these mass slayings put an end to the grievances that first roused citizens to challenge an entrenched regime. In all cases, as in China, the protesters were aware of both the other side's military power and its

record of ruthlessly using it when provoked. They knew another reality, too: chances for achieving justice through violent force are far less than through nonviolent force. Had Gandhi used tanks and guns, the British might still be in India, as they are in Northern Ireland today, which has no Gandhi.

In the 1980s, it was nonviolent force that overthrew the Marcos regime in the Philippines. When Benigno Aquino was killed in 1983 at the Manila airport, it appeared as if his resistance movement was finished. When the Polish government outlawed Solidarity and declared martial law in 1981, few foresaw the democratic reforms won by Lech Walesa this past spring. When the early followers of Christ were stoned, hung or thrown to lions, Caesar's army and power looked as secure as the hills of Rome.

Few have examined these and numberless other successes of resistance as thoroughly as Gene Sharp. He is the president of the Albert Einstein Institute in Cambridge, Mass., and director of the Program in Nonviolent Sanctions at Harvard. Sharp, who is 61 and has written the definitive "Politics of Nonviolent Action," went to Beijing with a assistant in late May to study the protest.

"We were in Tiananmen Square a few minutes before the killing started," sharp recalls, "We heard the first tanks rumbling in, and they were moving toward us. We moved out of there."

Sharp's eight days of research -- five days of interviewing and observing protesters before the massacre and three days after -- led him to conclude, "This is not the end

of the struggle. No two-month effort by any means could have brought freedom and democracy to China. A violent protest by the students would have been crushed much more quickly with a greater loss of life and much harsher long-term consequences.

"Despite the massacre, the students contributed in a variety of ways toward the development of freedom in China. They cause temporary government paralysis. They created conflicts in the army. They delegitimized the government. They mobilized large-scale public support for themselves. It was because they were wielding such power that the government reacted so brutally."

If the nonviolent protest failed for now, it is a tiny failure compared with the massive one of the dictators' -- their inability to reason compromise and negotiate. A reliance on violent, sub-human methods of resolving conflicts is always -- without exception -- a failure because the causes of the conflict are momentarily repressed, no permanently resolved. In "Nonviolent Resistance," Gandhi said that governments that use violence to subdue citizens are akin to a sword-yielding man violently attacking water. The man's arms eventually give out.

As the executions continue, worldwide support for the protesters rises. That the dictators are now lying--the students were violently attacking the soldiers-- is an indication of their insecurity. During the uprising, they were afraid of freedom. To that fear, they have added another, of truth. No one has ever defeated it.

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that promised no increase; we have seen stonewalling and insensitivity to citizen concerns on waste disposal issues; we have seen corporate special interests force tax concessions down the throats of the legislature in exchange for a promise of jobs. It's hard to feel good about paying for the priorities of special interests.

Second, no one has told us why the money is needed or how it will be spent. There are no public figures on how much goes to who and for how long and how much it all costs. No criteria have been published for grant eligibility, etc. Can you imagine any other circumstances when the City Council might go along with a request for several million dollars in funds to be spent in ways yet undecided? h)ird, it is debatable whether lotteries will actually lower taxes. So far, where state lotteries are concerned, no other state tax rate has dropped because of a lottery. In California, where lottery funds go to school budgets, funding for public education has actually dropped 1.5 percent since the lottery began.

Gambling as a way of funding Catholic schools and certain other worthy activities is probably here to stay in Nebraska. But the idea of putting city government in the role of depending on gambling to pay its bills is another thing entirely. We question whether government should be in the business of promoting a something-for-nothing mentality.

# American Justice and Purposeless Punishment

by Colman McCarthy

WASHINGTON--At no time in U.S. history have prisons been as overcrowded, the duration of sentences longer or money spent on new pens higher. To these records, add another: No session of the Supreme Court has ruled more against prisoners than the last one.

Six cases tell the story:

--Thornburgh vs. Abbott: The powers of wardens were broadened to block books, articles or publications sent to inmates.

--Kentucky vs. Thompson: Prison officials were given greater controls to prevent visitors from seeing inmates.

--Murray vs. Giarratano: The court ruled that indigent death row prisoners had no right to lawyers for post-conviction appeals.

--Stanford vs. Kentucky and Wilkins vs. Missouri: Executing people who committed murder under age 18 is constitutional.

--Perry vs. Lynaugh: Executing mentally retarded people is constitutional.

If all this punishment-on-top-of-punishment had a purpose, it might be defensible. But not a line in any of the six decisions suggests that increasing the already immense power of wardens or executioners will lower the crime rate, decrease prison violence or produce rehabilitated inmates. Purposeless punishment, the mark of 20th-century gulags in primitive societies, has become a feature of American justice. With these decisions,

the Supreme Court has joined the unofficial national crackdown against crime that calls for something--anything--to be done.

Congress gave itself laryngitis bellowing about the court's ruling on flag-burning. Was there a member of either the Senate or House who even whispered a protest about the court's attack on prisoners' rights?

It's a cause with few political champions. Except Rep. John Conyers (D-Mich.) and one or two others on low-funded judicial subcommittees, few in Congress are identified as voices for humane treatment of criminals. Among governors, it is less likely. New York's allegedly liberal Mario Cuomo vetoes death penalty bills, but to avoid the deadly charge of softheartedness he becomes another throw-away-the-key politician who calls for more unparoled lifetime sentences.

Cuomo supplies no reasoned arguments for his stand. Careful reasoning is missing also in the majority opinions in the Supreme Court's six prisoners' rights decisions. In Thornburgh vs. Abbott, Justice Harry A. Blackmun equated the spread of ideas with the potential spread of cellblock chaos: "In the volatile prison environment, it is essential that prison officials be given broad discretion to prevent...disorders." If the problem is a "volatile" prison, why not work to make it less so, rather than increase the volatility by letting wardens become censors.

What they block shows how limited penal minds can become in the exercise of Blackmun's "broad discretion." Edwin Knoll, editor of The Progressive, donates free subscriptions of his magazine to any prisoner who requests it. Magazines often are returned, marked "REFUSED." One issue was returned because, a prison official explained, there was "a reasonably probable hazard to peace, order and safety of the institution."

Led by Justice John Paul Stevens, the dissenting opinion in Thornburgh vs. Abbott said the majority decision was "a headlong rush to strip inmates of all but a vestige of free communication with the world beyond the prison gate."

The four capitol-punishment cases further push the United States into the darkensses of justice through violence. More than 50 nations, including all in Europe, reject the death penalty. Of the 120-odd that keep it, a majority--65--do not execute juveniles. In the past 10 years, eight murderers under 18 throughout the world have been executed. Three were Americans.

To Justice Antonin Scalia, writing for the majority in the Stanford and Wilkins cases, the issue is not whether ethics, morality or scientific evidence sways the court against the cruel and unusual punishment defined in the Eighth Amendment. It is "the citizenry of the United States" that is the

audience. "It is they, not we, who must be persuaded.... Our job is to identify the 'evolving standards of decency.'"

This can justify anything from justice by polls to mob rule. Justice William Brennan exposes it: Scalia's "approach would largely return the task of defining the contours of Eighth Amendment protection to political majorities."

The same majorities once had a Supreme Court that resisted fashions about crime and punishment or believed that decency is "evolving." Now they have a court that, in six of six cases, chose harshness over leniency and death over mercy.

Something besides decency is evolving.

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## Enlightened Public Policy and Gambling

Continued from page 10.

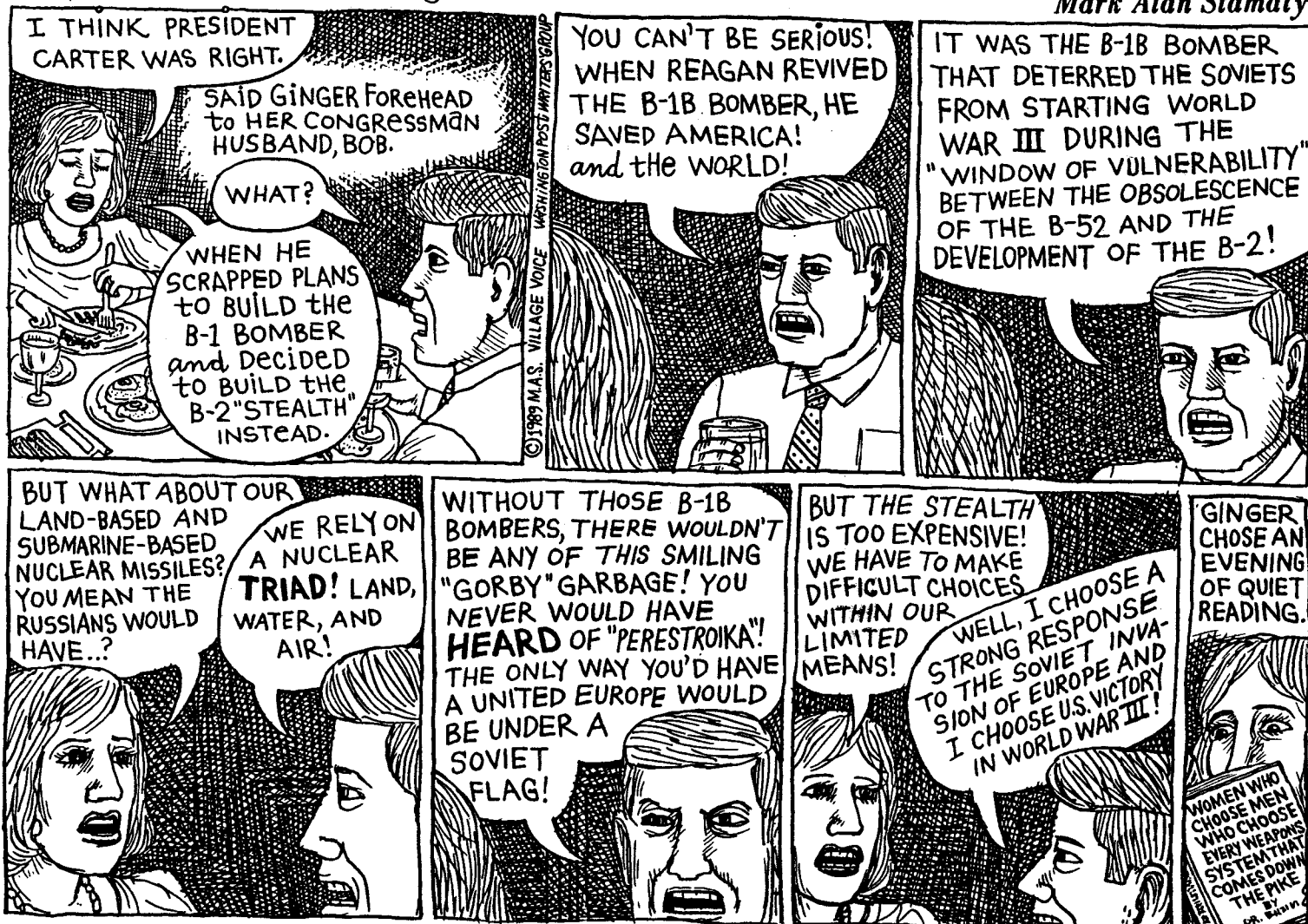
- Being murdered: 1 in 10,000 -- 900 times more likely.
- Being dealt a royal flush: 1 in 640,000 -- 15 times as likely.
- Rolling a 7 with dice: 1 in 6 -- 600,000 times more likely.
- Flipping a coin heads up after 30 successive "heads": 1 in 2, same as before-- 4,800,000 times likelier.
- Dying of a venomous bite or sting: 1 in 5 million -- twice as likely.
- Dying in a motor vehicle crash: 1 in 4,000 -- 2,400 times more likely.
- Dying from being struck by lightning: 1 in 2 million -- five times as likely.

How anyone can spend money on a game like Lotto America with such unrealistic odds as 1 in 13 million, without considering the futility of it all, defies one's imagination. It is, in reality, a fool's game.

Lotteries -- from the perspective of a state or one of its governmental subdivisions -- are usually one of the most regressive means of taxation in operation. It is legal exploitation of the citizen, spawned by the shallow thinking of legislators who are urged on by highly paid lobbyists and greedy operators. It seems they are either ignorant of the lottery's implications or they care too little about the poor. Proponents -- reflecting an amoral attitude about the negative outcome of the conclusions, which they ignore -- push a dream, an illusion, a false vision of easily acquired wealth that is dishonest and harmful. Governments are instituted to establish justice, promote the general welfare and to insure the public good. It is a distortion of the state's purposes to be aggressively marketing a product that is designed to be worthless to its customers -- the citizenry of its state, county or city.

Lotteries -- regardless of the sponsoring entity -- are economically unsound, socially disintegrating and morally dangerous. They have no place in an enlightened society.

## WASHINGTON



Mark Alan Stamaty